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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/273,450	03/22/1999	EMMANUEL KANTERAKIS	GBTI54US	7148

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EXAMINER

BOCURE, TESFALDET

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 06/05/2002

#15

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/273,450

Applicant(s)

KANTERAKIS ET AL.

Examiner

Tesfaldet Bocure

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,9,10,12,14,15,18,20,21,24,27,29 and 33-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7,9,10,12,14,15,18,20,21,24,27,29 and 33-42 is/are allowed.
- 6) ☐ Claim(s) 43-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Information Disclosure Statement

1. The Information disclosure statement received on May 6, 2002 has been approved by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 43,44 and 46-48 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ozluturk et al.** (US patent number 5,841,768, newly cited by the Applicant).

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Ozluturk et al. teaches a spread spectrum communication system for controlling the initial power ramp-up comprising: a base station transmitting a pilot signal broadcasted to all the mobile station (see col. 3, lines 59-57); mobile station receiving the pilot signal and using it for acquisitions, synchronization, as well as determining the parameters of the adaptive matched filter; mobile station a (16 in figure 1 and 2) transmits an initial minimum power level that is guaranteed to be lower than the required power level by the base station, and continues transmitting an increased power level until base station sends an indication (claimed acknowledgment); and mobile station transmitting data thereafter as in claims 43,44,46-48. See also the abstract and summary of the invention in col. 3.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozluturk et al.** (US patent number 5,841,768, newly cited by the Applicant).

Ozluturk et al. teaches a spread spectrum communication system for controlling the initial power ramp-up comprising: a base station transmitting a pilot signal broadcasted to all the mobile station (see col. 3, lines 59-57); mobile station receiving the pilot signal and using it for acquisitions, synchronization, as well as determining the parameters of the adaptive matched filter; mobile station a (16 in figure 1 and 2) transmits an initial minimum power level that is guaranteed to be lower than the required power level by the base station, and continues transmitting an increased power level until base station sends an indication (claimed acknowledgment); and mobile station transmitting data thereafter as in claim 44. See also the abstract and summary of the invention in col. 3.

What **Ozluturk et al.** fails to teach is that the mobile station ceases transmission of short codes indicating the power ramp if no acknowledgment is received after maximum repetition. However, it is obvious and well known in accessing method that the system should have time limit as to when to try to get access or not.

Therefore, it would have been obvious to one of an ordinary skill in the art to cease transmission of power ramp codes when a maximum attempt is ^{made} ~~be~~ by the mobile station at the time the invention was made.

handshaking

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6. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozluturk et al.** (US patent number 5,841,768, newly cited by the Applicant) in view of Gilhousen et al. (US patent number 5,103,459).

Ozluturk et al. teaches a spread spectrum communication system for controlling the initial power ramp-up comprising: a base station transmitting a pilot signal broadcasted to all the mobile station (see col. 3, lines 59-57); mobile station receiving the pilot signal and using it for acquisitions, synchronization, as well as determining the parameters of the adaptive matched filter; mobile station a (16 in figure 1 and 2) transmits an initial minimum power level that is guaranteed to be lower than the required power level by the base station, and continues transmitting an increased power level until base station sends an indication (claimed acknowledgment); and mobile station transmitting data thereafter as in claims 49 and 50.

Gilhousen for the same endeavor as the instant application and that of **Ozluturk et al.** teaches the base station and mobile stations having a transmitter (56, 452), receiver (66, 434) and controller (48, 446). Wherein the controller (48, 446) controls the functions of the transmitter and receiver by: processing the received signals to and from respectively by the base unit and the mobile station, detects the power level of the received signal, transmitter (66) transmits data and power control signals to the mobile stations, and transmitting a common timing signal to the mobile station.

Therefore it would have been obvious to one of an ordinary skill in the art to use the controller of Gilhousen in the system of **Ozluturk et al.** for controlling the functions of the

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mobile stations' and base station's transmitter and receiver so that to perform all the necessary functions at the time the invention was made.

Response to Amendment

7. Applicant's arguments with respect to claims 43-50 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

8. Claims 7,9,10,12,14,15,18,20,21,24,27,29 and 33-42 are allowed.

Conclusion

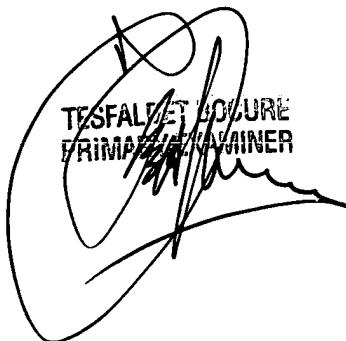
9. Applicant's submission of an information disclosure statement under 37 CFR 1.97© with the fee set forth in 37 CFR 1.17(p) on 5/6/02 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(I). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Bocure whose telephone number is (703) 305-4735.



TESFALDET BOCURE
PRIMARY EXAMINER

T.Bocure

June 4, 2002